



Entered on Docket  
September 23, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Ninth Omnibus  
Objection Of USACM Trust To  
Unallocated Amounts of Proofs Of Claim**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Ninth Omnibus Objection Of USACM Trust To Unallocated Amounts of Proofs Of Claim ("Unallocated Amount") [DE 8705] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

**IT IS ORDERED that:**

1. The Objection [DE 8705] is sustained;

1           2.     The Proofs of Claim listed on **Exhibit A** attached are disallowed to the  
2 extent the amount of the claim as stated on the face of proof of claim exceeds the amount  
3 of the claim supported by the documentation provided with the proof of claim, i.e., the  
4 Unallocated Amount as shown on **Exhibit A** attached; and

5           3.     This order concerns only the Unallocated Amount of the claim and not any  
6 other claim of the claimants.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

|   |   |
|---|---|
| U.S. Trustee: <u>Augie Landis</u>   |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document  |
| Other Party: _____  |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or            | <input type="checkbox"/> failed to respond to the document  |

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust**  
**Unallocated Amounts Of Proofs Of Claim**  
**Multiple Loan Claims**

| <b>Claim</b> | <b>Date Claim was Filed</b> | <b>Name</b>                                     | <b>Address</b>  | <b>Total Claim Amount</b> | <b>Approximate Amount Subject to Objection Because The Trust Could Not Allocate Amount to a Specific Direct Lender Loan</b> |
|--------------|-----------------------------|---|---|---------------------------|---|
| 10725-01035  | 11/6/2006                   | Loughlin Family Trust                           | C/O Richard J. & Roberta L. Loughlin Pmb 107<br>3212 Jefferson St.<br>Napa, CA 94558-3436                   | 1,116,400.00              | 61,400.00   |
| 10725-02219  | 1/12/2007                   | Louis H & Shirley M Turner Fam Trst Dtd 9/19/97 | Louis H & Shirley M Turner Ttees<br>9558 Mammoth Ct<br>Reno, NV 89521                                       | 304,359.74                | 2,179.87  |
| 10725-02214  | 1/12/2007                   | Lynda L Pinnell Living Trust Dtd 7/24/00        | Lynda L Pinnell Tee<br>9915 Saddleback Dr<br>Lakeside, CA 92040   | 649,047.68                | 4,523.84  |
| 10725-00146  | 8/15/2006                   | Maheshwari, Rabinder & Usha                     | Joshua D Brysk Law Offices Of<br>James G Schwartz<br>7901 Stoneridge Dr., Suite 401<br>Pleasanton, CA 94583 | 153,831.94                | 3,831.94  |
| 10725-02308  | 1/13/2007                   | Mantas, Leo G                                   | 7440 S Blackhawk St #12208<br>Englewood, CO 80112-4355  | 329,116.00                | 14,558.00   |
| 10725-02125  | 1/11/2007                   | Marilyn Johnson Living Trust Dtd 10/5/99        | Marilyn Johnson Trustee<br>1010 La Rue Ave<br>Reno, NV 89509  | 202,800.00                | 1,400.00  |
| 10725-02328  | 1/13/2007                   | Marion C Sharp Ira                              | 20 Leroy Terrace<br>New Haven, CT 06512-3114  | 450,000.00                | 25,000.00   |
| 10725-01967  | 1/10/2007                   | Markwell Family Trust                           | Terry & Christiane Markwell Ttees<br>12765 Silver Wolf Rd<br>Reno, NV 89511                                 | 710,494.52                | 5,247.26  |
| 10725-01968  | 1/10/2007                   | Markwell, Monique                               | 100 North Arlington Ave #9H<br>Reno, NV 89501   | 202,384.90                | 1,192.45  |
| 10725-00565  | 10/12/2006                  | Mary E Dunlop 1992 Trust Dtd 7/29/03            | Mary E Dunlop Trustee<br>10969 Las Casitas<br>Atascadero, CA 93422  | 101,429.17                | 1,429.17  |

**EXHIBIT A**

2424558.1